<div align="center">**REMARKS/ARGUMENTS**</div>

Claims 1-9 were rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application Publication 2006/0152375 A1 to Ogino et al. (hereinafter "Ogino et al.). For the following reasons, the rejection has been rendered moot.

For the following reasons, the Ogino reference is disqualified as prior art in accordance with 35 U.S.C. 103(c). The publication date of the Ogino reference is July 13, 2006, which is subsequent to the International filing date of the instant application of January 16, 2004. Therefore, Ogino is not available as a reference under 35 U.S.C. 102(a) or (b). Thus, in accordance with 35 U.S.C. 103(c), Ogino "qualifies as prior art only under one or more of subsections (e), (f), and (g) of section 102." Further, Applicants' undersigned representative hereby makes the following statement:

> **The subject matter of the Ogino reference and the claimed invention were, at the time the claimed invention was made, owned by the same person or subject to an obligation of assignment to the same person.**

Therefore, in accordance with 35 U.S.C. 103(c)(1), the Ogino reference is hereby disqualified as prior art against the present application and the rejection has been rendered moot.
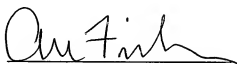
In consideration of the foregoing analysis, it is respectfully submitted that the present application is in a condition for allowance and notice to that effect is hereby requested. If it is determined that the application is not in a condition for allowance, the examiner is invited to initiate a telephone interview with the undersigned attorney to expedite prosecution of the present application.

      If there are any fees resulting from this communication, please charge same to our Deposit

Account No. 16-0820, our Order No. NGB-38370.

                                Respectfully submitted,

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